REMARKS

This Amendment with Request for Continued Examination is filed in response to a Non-Final Office Action of Septemebr 23 2009 in which claims 1, 26-42 were rejected.

A few typos and claim numbering after claim 37 are corrected as submitted herein. No new matter was introduced in the claims.

The applicant would like to point out that arguments presented in Remarks of the Amendments submitted to the USPTO on January 21 2009 and on June 30 2009 are fully applied.

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Claim Objections

Examiner's Position:

Claims 1, 28, 36 and 27 are objected because of typos in the word "groop"

Applicant's Response:

Requested corrections are made in the amendment submitted herein.

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Claim Rejections - 35 USC § 112

Examiner's Position:

Claims 1 and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description.

Applicant's Response:

The Examiner questioned the embodiment of claims 1 and 36 stating: "said plurality of the nodes are organized in a hierarchical order, such that a number of highest layer components of said plurality of the access points comprised in said plurality of the nodes is smaller than a number of lowest layer components of said plurality of the access points comprised in said plurality of the nodes in order to reduce a

total number of components needed to provide said plurality of the access points of a communication network of said system".

The above embodiment is a key important novel feature of distributed access points recite in claims 1 and 36 of the present patent application which seems is not understood by the Examiner. The whole specification is about this feature, e.g., see Figures 2-8 and corresponding description in the specification. The benefit of using distributed access points is summarized in Paragraph [0020] of the present US Patent Application Publication No 2006/0140161, stating:

"The use of **distributed access points** allows a **minimum or reduced amount of hardware** to be deployed in the locations where users desire access, while processing power (and, thus, complexity) is concentrated in an controller node that can be scaled accordingly. This configuration can be especially useful when the system is scaled to include a large number of access points."

In other words, if "a number of highest layer components" is equal to "a number of lowest layer components", then the invention recited in claim 1 does not make sense because **there is no reduction in the amount of hardware**.

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Claim Rejections - 35 USC § 112

Examiner's Position:

Claims 29, 30, 35, 39, 40, 42 are rejected under 35 U.S.C. 112, second paragraph, for insufficient antecedent basis.

Applicant's Response:

Requested corrections are made in the amendment submitted herein.

Claim Rejections - 35 USC § 102

Examiner's Position:

Claims 1, 28, 38, 31, 32, 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Okajima et al. (US publication # 2001/0018336).

Applicant's Response:

The applicant is of the opinion that Examiner's arguments are not accurate and confusing. The Examiner's arguments are analyzed based on MPEP guidelines which are stated in the MPEP Paragraph 2131 as follows:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. Further, "the identical invention must be shown in as complete details as is contained in the . . . claim", *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)."

In regard to claims 1 (and another independent claims 36), **the subject matter** recited in claim 1 of the present patent application is not disclosed by Okajima et al.

Okajima et al. do not discuss, talk or even hint about "a plurality of access points **distributed** through a plurality of nodes of said system, wherein **components of each access point** of said plurality of the access points **is divided into two or more groups located in corresponding two or more nodes** of said plurality of the nodes, said two or more nodes being remotely located relative to each other, such that each of said two or more nodes is configured to establish a remote communication link with one or more of said two or more nodes," as recited in claim 1 of the present patent application.

For example, in figure 2 of the present patent application, one access point is distributed between 2 nodes: an access dot controller 204 and an access dot 200, wherein the access dot controller 204 comprises an access point software 108, a MAC layer 106 and a baseband (physical) layer, and the access dot 200 comprises an RF module 102. The key feature is that the access dot controller 204 can be connected to other access dots (as shown in figure 2 by straight lines) for other distributed access points, such that the access dot controller 204 will be remotely linked simultaneously to serving multiple access dots comprising only the RF module 102, thus **minimizing or reducing amount of hardware** to be deployed, as discussed herein.

In another example shown in figure 2 of the present patent application, one access point is distributed between 2 nodes: an access dot controller 206 and an access dot 200, wherein the access dot controller 206 comprises an access point software 108 and a MAC layer 106, and the access dot 200 comprises a baseband (physical) layer 104 and an RF module 102. The key feature again is that the access dot controller 206 can be connected to other access dots (as shown in figure 2 by straight lines) for other distributed access points, such that the access dot controller 206 will be remotely linked to simultaneously serving multiple access dots comprising only the baseband (physical) layer 104 and RF module 102, thus **minimizing or reducing amount of hardware** to be deployed, as discussed herein.

Finally, in another example shown in Figure 2 of the present patent application, one access point is distributed between 2 nodes: an access dot controller 208 and an access dot 200, wherein the access dot controller 208 comprises an access point software 108, and the access dot 200 comprises a MAC layer 106, a baseband (physical) layer 104 and an RF module 102. The key feature again is that the access dot controller 208 can be

connected to other access dots (as shown in figure 2 by straight lines) for other distributed access points, such that the access dot controller 208 will be remotely linked to simultaneously serving multiple access dots comprising only MAC layer 106,baseband (physical) layer 104 and RF module 102, thus **minimizing or reducing amount of hardware** to be deployed, as discussed herein.

The reference of Okajima et al., quoted by the Examiner, do not teach, suggest or even hint about the subject matter recited in claim 1 quoted above. Indeed, Base Stations 40-43 shown in figures 1-3 of Okajima et al. **are equivalent to the conventional access point 202 shown** in Figure 2 of the present patent application which is well known in the art, and Okajima et al., does not teach **distributed access points** disclosed in various embodiment of the present patent application and recited in claim 1.

Thus, claim 1 and independent claims 36 of similar scope as claim 1 are not anticipated by Okajima et al. under 35 U.S.C. 102(b) because Okajima et al. does not disclose elements recited in claims 1 and 36 as required by the MPEP Paragraph 2131 quoted herein.

Dependent claims 28, 38, 31, 32 are not anticipated by Okajima et al under 35 U.S.C. 102(b) as being dependent on novel claims 1 and 36 as argued herein. Additional arguments in regard to unique limitations of the corresponding dependent claims can be presented if requested by the Office.

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Claim Rejections - 35 USC § 103

Examiner's Position:

Claims 26, 27 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima et al. (US publication #

2001/0018336) in view of Atkinson et al. (US publication # 2002/0012329).

Claims 29, 39, 30, 40, 34, 41, 35, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima et al. (US publication # 2001/0018336) and Atkinson et al. (US publication # 2002/0012329) in view of Bahl et al. (US Patent # 7248570).

Claim 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okajima et al. (US publication # 2001/0018336) in view of Szentesi et al. (US Patetn # 7366108).

Applicant's Response:

The novelty and non-obviousness of rejected dependent claims 26, 27, 29, 30, 33-35, 37 39, 40-42 under 35 U.S.C. 103(a) is provided by their dependence on the novel and non-obvious independent claims 1 and 36, as argued herein.

More arguments can be presented by the applicant about unique limitations of the corresponding dependent claims not disclosed by references quoted by the Examiner, as well as in regard to justification (motivation) for combining references and their compatibility (i.e., their combination is teaching away from the present invention), as required in MPEP Paragraph 2143 and Case Law, if requested by the Office.

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CONCLUSION

The objections and rejections of the Final Office Action of September 23, 2009 having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of all claims to issue is earnestly solicited.

Respectfully submitted,
KELLEY DRYE & WARREN LLP
Attorneys and Agents for Applicants

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Anatoly Frenkel
Reg. No. 54,106

400 Atlantic Street
Stamford, CT 06901
Direct Tel.: 203-351-8078
Facsimile : 203-327-2669
e-mail: afrenkel@kelleydrye.com

Customer No. 47670